

PATENT  
Attorney Docket 060616-5001-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
**Fanie Retief Van Heerden *et al.*** )  
)  
Application No. **10/073,357** ) Group Art Unit: **1623**  
)  
Filed: **February 13, 2002** ) Examiner: **Devesh Khare**  
)  
For: **Pharmaceutical Compositions Having** )  
**Appetite Suppressant Activity** )

**Mail Stop: AF**  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**

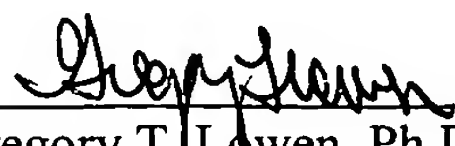
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated November 5, 2003 (Paper No. 11) of the Examiner finally rejecting claims 1-12, 14-21 and 23-27.

The Commissioner is hereby authorized to charge **\$330.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **May 5, 2004**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Gregory T. Lowen, Ph.D.  
Registration No. 46,882  
Direct: (202) 739-5915

05/06/2004 MGE BREW1 00000065 500310 10073357

02 FC:1401 330.00 DA